REMARKS

The Office Action mailed November 13, 2006 considered claims 1-39 and 41-49. Claims 1-15, 17-19 and 24-39, 41-46, and 48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pfister et al. (US 2003/0046365) hereinafter *Pfister* in view of Donohue et al. (US 5,987480) hereinafter *Donohue* and further in view of Hill et al. (US 6,023,714) hereinafter *Hill* and further in view of Brim (US 5,835,914) hereinafter *Brim*. Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Pfister* in view of *Donohue*, further in view of *Hill*, and further in view of Twaddle (US 2004/0015476) hereinafter *Twaddle* and further in view of *Brim*. Claims 16, and 20-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Pfisther,* in view of *Donohue*, further in view of *Hill*, and further in view of Orhormuru (US 2003/0061106) hereinafter *Orhormuru*, and further in view of *Brim*. Claims 47 and 49 were rejected under 35 U.S.C. 103(a) as being unpatentalbe over *Pfister*, in view of *Donohue*, further in view of *Hill*, and further in view of Omoigui (US 2003/0126136) hereinafter *Omoigui*, and further in view of *Brim*.[1]

By this paper, no claims have been amended or added as applicants respectfully traverse the rejections. Claims 1-39 and 41-49 remain pending in the application, of which claims 1, 27, 41 and 43 are the only independent claims.

The application is generally directed to receiving and displaying dynamic content, such as stock quotes, sports scores, headlines, etc. from a service provider when the dynamic content changes as opposed to some periodic schedule or when content is reloaded or refreshed. By using the principles of the present invention, the dynamic content is automatically sent from a provider when it changes such that the dynamic content is up to date and available when a user desires to view the content. The art cited by the Examiner simply does not teach or suggest the invention as recited by the claims of the present application.

Claim 1, for example recites a method from the perspective of a content provider including an act of creating a template file with static content and layout information and dynamic references and layout information. The template file and generated computer executable instructions are transferred to a mobile computing device. The generated computer

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

executable instructions facilitate merging updated displayable dynamic content at the mobile computing device with the layout information corresponding to one or more references to dynamic content. Additionally, the method recited in claim 1 includes an act of monitoring content denoted in a registration and when dynamic content of interest changes, the dynamic content is transported to the mobile computing device where the transported dynamic content is merged with the layout information corresponding to the one or more references to dynamic content. Claim 27 is similar to claim 1, except that it is recited from the perspective of a mobile computing device receiving the layout, computer executable instructions, and updated dynamic content. Claims 41 and 43 are computer program product claims corresponding to claims 1 and 27 respectively.

To make a prima facie case of obviousness, the Office Action must cite prior art which teaches or suggests all the claim limitations. MPEP 706.02(j). The art cited by the Office Action fails to teach or suggest what is recited by the claims of the present application.

The Office Action admits that the claims, as amended in the most recent preceding Office Action response ("AMENDMENT 'E'") are not made obvious by the combination of Pfister, Donohue, and Hill. Specifically, the Office action states at page 2 that the rejections of the independent claims 1, 27, 41 and 43 combining Pfister, Donohue, and Hill have been withdrawn as necessitated by the amendment. However, in rejecting the amended claims, the Office Action reasserts Pfister, Donohue, and Hill and adds Brim for showing the subject matter of the amendments.

Specifically, the amendments from the previous office action recite "monitoring content denoted in a registration and when dynamic content of interest changes, transporting the dynamic content to the mobile computing device where the transported dynamic content is merged with the layout information corresponding to the one or more references to dynamic content" or similar limitations. Applicants reassert the arguments made in AMENDMENT "E" regarding Pfister, Donohue and Hill illustrating why those references do not teach or suggest these limitations. It seems that the Examiner agrees with those arguments in that the Examiner has withdrawn the rejections based solely on those references. As such, the following argument will only be directed to Brim, which also fails to show the stated limitation.

In particular, the Office Action notes at page 7 that "Brim teaches ActiveX controls to display current information—dynamically—, such as stock prices, on a web page." Interestingly

the Office Action further points out one important distinction between the present application and Brim. Specifically, the Office Action at page 7 states that "The dynamic data is continuously retrieved from a remote server and updated on a location of the web page on a client web browser." Applicants note that indeed this is specifically supported by Brim at col. 1, lines 50-51. However, this is the kind of activity that the present invention specifically avoids.
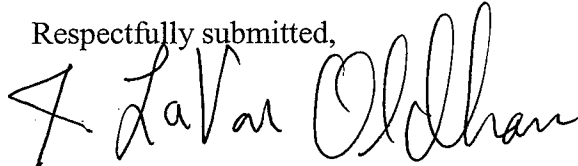
Brim teaches that a web browser creates and destroys Active X controls. Col. 1, lines 44-46. The Active X controls are used to continually *retrieve* stock prices. Col. 1, lines 50-51. However, this is no different that what has already been shown in other references, which is that to achieve dynamic content a client system constantly requests data from a data provider. The data is not provided as a result of the data changing, but rather as the result of a request from the client to retrieve the data. In direct contrast to this, the claims of the present application recite "monitoring content denoted in a registration and when dynamic content of interest changes, transporting the dynamic content to the mobile computing device...." This is simply not shown by Brim. Brim only shows the data being transported as a result of an Active X control *retrieving* the data. Notably, Brim is silent on triggering events, such as data changing, that cause the Active X control to retrieve the data, but rather only shows that the data is "continually" retrieved. See e.g. col. 1, lines 50-51.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 26 day of December, 2006.

Respectfully submitted,

RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
J. LAVAR OLDHAM
Registration No. 53,409
Attorneys for Applicant
Customer No. 47973

RND:JCJ:JLO:crb
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